UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,249	03/25/2004	Timothy P. McKee	304656.01/MFCP.144293	6683

45809   7590   04/15/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
04/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 February 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4-6,9-12,14,15,17,18,20-22,25-33,35,37,39,40,42 and 43_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-2,4-6,9-12,14-15,17-18,20-22,25-33,35,37,39-40,42-43_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1, 2, 4-6, 9-12, 14, 15, 17, 18, 20-22, 25-33, 35, 37, 39, 40, 42 and 43 are pending

in the application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 2, 4, 6, 9-12, 14-15, 17-18, 20, 22, 25-30, 32, 35, 37, 39-40 and 42 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Beyda (U.S. PG Publication 2003/0229722),

in view of Hinckley (U.S. Patent 5,828,882).

4.   As to claim 1, Beyda teaches a method comprising:

a software process is a program that has data regarding the user that is outside the data

that is maintained by the other components of the system [software other than the instant

message software for determining rules which has data regarding the user (i.e. availability of user

based on time elapsed), paragraphs 33, 37 and 39];

when a communication event occurs, evaluating a sender according to selected criteria to

determine whether a software process will send a customized message to the sender, wherein the

evaluation of the sender comprises a determination of whether or not the sender has been placed

on a list of person entitled to received the customized message [rules that determines whether or

not a response message is sent to senders in certain group, paragraphs 45-49; paragraph 35, lines

5-14; Fig. 3].

5.   Beyda does not specifically teach the software process as a registered process, more

specifically, a process being registered as a result of receiving a message to register the process

for communication events. However, Hinckley teaches receiving registration requests from

programs and consequently registering the programs for event notification [Hinckley, Col. 4,

lines 39-56].

6.   Beyda teaches a timer event which provides notification for the middleware to implement

or activate the designated rules and a keystroke or mouse movement event that prevents such

implementation or activation of the designated rules [paragraph 39]. Hinckley teaches

registering process for event occurrence notifications and providing notifications upon detecting

such event occurrences [Hinckley, Col. 4, lines 39-56]. Because both Beyda and Hinckley

teaches methods for providing notifications hence in the same field of endeavor, it would have

been obvious to one of ordinary skilled in the art to substitute one method for another to achieve

the predictable result of properly providing notifications to the designated notification consumer.

7.   As to claim 2, Beyda as modified teaches wherein one type of communication event

occurs when a notification from a sender is not delivered to a user due to a user's context

[deleting the instant message when message not read or opened even when user is online,

paragraph 2, lines 15-22; paragraphs 35 and 39].

8.   As to claim 4, Beyda as modified teaches wherein in response to receiving a communication event, the software process may provide a customized message to the sender of the notification that includes data about the user [paragraph 37].

9.   As to claim 6, Beyda as modified teaches wherein the data about the user includes at least one alternative contact for the user [email, facsimile, etc., paragraph 37].

10.   As to claim 9, this claim is rejected for the same reason as claim 1 above. In addition, Beyda as modified teaches sending a message for registering a process, providing the registered process with information regarding the communication event [in the perspective of the program requesting to registering to receive events, Hinckley, col. 4, lines 39-56].

11.   As to claim 10, this claim is rejected for the same reason as claim 1 above [reception of the instant message, Beyda, paragraphs 45-49; paragraph 35, lines 5-14; Fig. 3].

12.   As to claim 11, Beyda as modified teaches wherein the information regarding the communication event indicates that the notification did not reach the user [message not read by user did not reach the user an indication that the user is not available, paragraphs 35-37; Fig. 3].

13.   As to claim 12, this claim is rejected for the same reason as claim 9 above.

14.   As to claim 14, this claim is rejected for the same reason as claim 11 above.

15.   As to claim 15, this claim is rejected for the same reason as claim 4 above.

16.   As to claim 17, this claim is rejected for the same reason as claim 1 above. In addition,

Beyda as modified teaches a user context process for setting a user context and at least one user

rule, the user context and the at least one user rule are made available to a user for modification

in accordance with a preference of the user [user presence or hours of availability along with the

applicable rules are established by the user according to the user's preference, paragraph 2, lines

15-22; paragraph 24, lines 11-14; paragraph 33, lines 9-15; paragraph 34, lines 1-3; paragraph

39, lines 9-20; paragraph 44, lines 1-8], receiving component which receives notifications from a

sending component and under specified conditions delivers the notifications to a user [send and

received IMs, paragraph 27; some non-read or non-opened are deleted, paragraph 35; Fig. 3].

17.   As to claims 18, 20 and 22, these claims are rejected for the same reason as claims 2, 4

and 6 above.

18.   As to claim 25, this claim is rejected for the same reason as claims 1 and 17 above.

19.   As to claim 26, Beyda as modified teaches wherein the second process is a

communication program [instant message client software operating on user devices generate or

receive instant messages, paragraphs 27 and 33].

20.   As to claim 27, this claim is rejected for the same reason as claim 26 above.

21.   As to claims 28-30 and 35, these claims are rejected for the same reason as claims 1, 4,

14 and 25 above.

22.   As to claim 32, Beyda as modified teaches the user context that is set by the first process

indicates when the user is not available to interruption [when user does not sign-on to indicate

online presence, paragraph 2, lines 15-22].

23.   As to claims 37, 39-40 and 42, these claims are rejected for the same reason as claims 2,

4 and 25 above.

24.   Claims 5, 21, 31, 33 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Beyda and Hinckley as applied to claims 1, 9, 17, 25 and 37 above, in view of Cahill (U.S.

Patent 5,428,784)

25.   As to claim 5, Beyda and Hinckley do not specifically teach wherein the software process

is a calendaring program and the data about the user indicates a time when the user may next be

available.   However, Cahill teaches checking an electronic calendar and notifying a sender the

receiver's availability [Cahill, col. 3, lines 14-44]. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to have modified the teaching of Beyda and

Hinckley with the teaching of Cahill to further enhance the sender notification method of Beyda

and Hinckley [Beyda, paragraph 4] by providing more detail status information about the

receiver upon receiving the sender's message as being considered by Cahill to address the

unnecessary anticipation of an unavailable receiver [Cahill, col. 1, lines 51-59].

26.   As to claims 21 and 31, these claims are rejected for the same reason as claim 5 above.

27.   As to claim 33, this claim is rejected for the same reason as claims 2 and 5 above.

28.   As to claim 43, this claim is rejected for the same reason as claim 5 above.

Response to Arguments

29.   Applicant's arguments filed 2/12/09 have been fully considered but they are not

persuasive.

30.   In the remarks, Applicant argued in substance that:

    a.   Beyda and Hinckley fails to teach or suggest the "registered process is a program

        that has data regarding a user that is outside data maintained by other components of the

        system".

    b.   Beyda and Hinckley fails to teach or suggest "setting a user context and at least

one user rule, the user context and the at least one user rule are made available to a user

for modification in accordance with a preference of the user".

31.   Examiner respectfully traversed Applicant's remarks:

32.   As to point (a), the examiner respectfully disagrees and directs the applicant to the

modified rejection with respect to the limitation in claims 1, 9 and 17 above. Beyda teaches a

software other than the instant message software for determining rules which has data regarding

the user (i.e. availability of the user, user's preference in directing the message to his/her

secretary, etc.) [Beyda, paragraphs 33, 37 and 39], when this software is designated as the

"manager" of the rules, other components such as the instant message software would not be

managing, determining or maintaining the rules, therefore, in combination with Hinckley's

teaching of a registered process, clearly satisfied the limitation.

33.   As to point (b), the examiner respectfully disagrees and submits that since applicant

failed to defined what "user context" is, it is given its broadest reasonable interpretation in light

of applicant's specification as the status or states of a user for applying the rules [PG Publication

2004/0194116, pg. 4, paragraph 51], therefore, Beyda's teaching of a presence or availability

information regarding the user clearly satisfy the limitation. In addition, applicant is directed to

the modified rejection with respect to the limitation in claims 17, 25 and 37 above. Applicant is

reminded that if the limitation "user context" intends to cover the restrictions applied to the

display of notifications on a computer screen area as cover in applicant's specification [PG

Publication 2004/0194116, pg. 4, paragraph 49; Fig. 9], applicant should consider claiming these features.

34.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

35.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571)272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/   /Qing-Yuan Wu/
Primary Examiner, Art Unit 2194   Examiner, Art Unit 2194